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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

JUN LIANG,  
 YUNQIU YUAN,

Plaintiffs,

v.

ALBERTO GONZALES, United States  
 Attorney General, U.S. Department of Justice;  
 MICHAEL CHERTOFF, Secretary of  
 the Department of Homeland Security;  
 EMILIO T. GONZALEZ, Director of United  
 States Citizenship and Immigration Services;  
 GERARD HEINAUER, Director of Nebraska  
 Service Center, United States Citizenship and  
 Immigration Services;  
 ROBERT S. MUELLER III, Director of the  
 Federal Bureau of Investigation,

Defendants.

No. C 07-2349 BZ

**ANSWER**

Defendants hereby submit their answer to Plaintiffs' Complaint for Writ in the Nature of  
 Mandamus and Declaratory Judgment Under 28 U.S.C. § 1361.

1. The allegations contained in the initial Paragraph consists of Plaintiffs' characterization of  
 this action for which no answer is necessary; however, to the extent a response is deemed to be  
 required, the Defendants deny that they have improperly withheld action on Plaintiffs' application  
 to their detriment.

**PARTIES**

2. Defendants admit the allegations in Paragraph Two.
3. Defendants admit the allegations in Paragraph Three.
4. Defendants admit the allegations in Paragraph Four.
5. Defendants admit the allegations in Paragraph Five.
6. Defendants admit the allegations in Paragraph Six.
7. Defendants admit the allegations in Paragraph Seven.
8. Defendants admit the allegations in Paragraph Eight.

**JURISDICTION**

9. Paragraph Nine consists of Plaintiffs' allegation regarding jurisdiction, to which no responsive pleading is required; however, to the extent a responsive pleading is deemed necessary, Defendants deny the allegations in this paragraph.

**VENUE**

10. Defendants admit the allegations in Paragraph Ten.

**INTRADISTRICT ASSIGNMENT**

11. Defendants admit the allegations in Paragraph Eleven.

**EXHAUSTION OF REMEDIES**

12. Defendants deny the allegations in Paragraph Twelve.

**CAUSE OF ACTION**

13. Defendants admit the allegations in Paragraph Thirteen.
14. Defendants admit the allegations in Paragraph Fourteen.
15. Defendants are without sufficient information to admit or deny the allegations in Paragraph Fifteen as the USCIS does not generally track or interfile status inquiry information in the alien registration file.
16. Defendants are without sufficient information to admit or deny the allegations in Paragraph Sixteen as the USCIS does not generally track or interfile status inquiry information in the alien registration file.

1 17. Defendants are without sufficient information to admit or deny the allegations in Paragraph  
2 Seventeen.

3 18. Defendants are without sufficient information to admit or deny the allegations in Paragraph  
4 Eighteen as the USCIS does not generally track or interfile status inquiry information in the alien  
5 registration file.

6 19. Defendants are without sufficient information to admit or deny the allegations in Paragraph  
7 Nineteen as the USCIS does not generally track or interfile status inquiry information in the alien  
8 registration file.

9 20. Defendants admit the allegations in Paragraph Twenty.

10 21. Defendants are without sufficient information to admit or deny the allegations in Paragraph  
11 Twenty-One as the USCIS does not generally track or interfile status inquiry information in the  
12 alien registration file.

13 22. Defendants admit the allegations in Paragraph Twenty-Two.

14 23. Defendants admit the allegations in Paragraph Twenty-Three.

15 24. Defendants deny the allegations in Paragraph Twenty-Four.

16 25. Defendants deny the allegations in Paragraph Twenty-Five as the information that is  
17 available to the public regarding processing times are estimates for routine cases.

18 26. Defendants deny the allegations in Paragraph Twenty-Six.

19 27. Defendants deny the allegations in Paragraph Twenty-Seven.

20 a) Defendants admit the allegations in subsection a of Paragraph Twenty-Four.

21 b) Defendants admit the allegations in subsection b of Paragraph Twenty-Four.

22 28. Defendants deny the allegations in Paragraph Twenty-Eight.

23 29. Defendants deny the allegations in Paragraph Twenty-Nine.

24 **PRAYER**

25 30. Paragraph Thirty consists of Plaintiffs' prayer for relief, to which no admission or denial is  
26 required; to the extent a responsive pleading is deemed to be required, the Defendants deny this  
27 paragraph.

**FIRST AFFIRMATIVE DEFENSE**

Plaintiffs' complaint fails to state a claim upon which relief may be granted.

**SECOND AFFIRMATIVE DEFENSE**

The court should dismiss the complaint for lack of subject matter jurisdiction.

WHEREFORE, Defendants pray for relief as follows:

That judgment be entered for Defendants and against Plaintiffs, dismissing Plaintiffs' complaint with prejudice; that Plaintiffs take nothing; and that the Court grant such further relief as it deems just and proper under the circumstances.

Dated: July 2, 2007

Respectfully submitted,

SCOTT N. SCHOOLS  
United States Attorney

\_\_\_\_\_/s/  
ILA C. DEISS  
Assistant United States Attorney  
Attorneys for Defendants